

Statement of

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HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

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H.R. 2944, the Southern Arizona Public Lands Protection Act of 2009.

Thank you for inviting us to testify on H.R. 2944, the Southern Arizona Public Lands Protection Act of 2009. H.R. 2944 would, subject to valid existing rights, withdraw all National Forest lands in Santa Cruz and Pima Counties in Arizona from the United States mining laws, mineral leasing laws and mineral material disposal laws.

The Department of Agriculture supports the goals of H. R. 2944. We would, however, like to work with the committee to clarify the scope and range of the bill. We would also appreciate the opportunity to work with the Committee to address the concerns of the residents of Pima and Santa Cruz Counties.

We defer to the Department of the Interior on all issues in H. R. 2944 affecting lands managed by the Bureau of Land Management (BLM) in Pima County.

This legislation would not affect mining claims located before its enactment, provided that those claims were valid as of the enactment date and continue to remain valid. These mining claims would constitute "valid existing rights." Therefore they would survive the legislation's withdrawal of the specified National Forest System lands from the operation of the United States mining laws. We do not currently know how many of the existing mining claims would qualify as valid existing rights. However, ongoing mining operations could continue on Coronado National Forest lands, if they occur on mining claims that constitute valid existing rights. Expansion of ongoing mining operations as well as commencement of new mining operations also would be permissible on those Coronado National Forest lands, if the mining claims constitute valid existing rights.

Upon its enactment, the legislation would bar mining on all Coronado National Forest lands subject to mining claims that do not constitute valid existing rights, as well as those Coronado National Forest lands not subject to mining claims. The legislation also would bar the location of new mining claims on the specified Coronado National Forest lands.

Currently, there are approximately 2,300 mining claims staked on Coronado National Forest lands in Pima and Santa Cruz Counties. Those claims encompass roughly 45,000 acres. One mine on the specified National Forest lands operating pursuant to the United States mining laws, the Santa Rita marble quarry, produces calcium carbonate. Two other mining projects are being considered in the two-county area, both of which would involve operations on a mixture of private and Coronado National Forest lands. These are referred to as the Patagonia Jewel project and the Hardshell project and would produce turquoise, and a combination of silver and manganese, respectively. In both cases the United States mining laws would govern the operations on Coronado National Forest lands. There are also about a dozen ongoing exploration-level projects for gold and copper on Coronado National Forest lands within the two counties.

Allow us to describe here some specific areas that we would to work with the committee. In general, the bill uses standard language to effectuate the withdrawal. However, with one exception, the bill describes the Federal property it would withdraw as "all federally owned interests" in specified lands. To be more specific and consistent, legislation withdrawing Federal property should describe that property as "land," "Federal lands," or "Federal lands and interests therein." We would encourage the Committee to use of one of these terms to prevent questions about the significance of the bill's unique language.

The proposed Rosemont Copper mine project is an example of pre-existing mining claims in the area described in the legislation. It is separate and distinct from the subject of this proposed legislation, but I would like to clarify the ongoing review of the Rosemont Copper mine project. At an oversight field hearing in February 2007, the Regional Forester for the Southwestern Region testified about the process for analyzing potential environmental impacts of the Rosemont mine proposal. The Department has heard from both opponents and proponents and has some concern with the Rosemont Copper Project. I have personally visited the site of the proposed mine and have asked the Forest Service to analyze a "no action" alternative in the environmental analysis for the proposed mine plan of operations. I have confidence that the Forest Service will carefully examine the mine's environmental consequences and the agency's legal options in evaluating the company's proposed mine plan of operations. We will look at the full

range of alternatives, including the "no action" alternative, and select the best of these alternatives that is within the agency's legal authority. In addition, I have asked the Forest Service to ensure that bonding for this or any other mining operation which goes forward fully implements the agency's authority under applicable regulations, so that future generations will not be encumbered with the environmental and economic costs to remediate effects of these operations.

The Department understands the sponsors' concern for the environmental impacts of mining in southern Arizona and appreciates the opportunity to testify on this bill. The Forest Service wants to work with Congress to adjust H. R. 2944 to achieve the goals of land protection for Southern Arizona in Pima and Santa Cruz Counties.

This concludes my prepared statement on H.R. 2944 and I would be pleased to answer any questions you may have.